

**IN THE UNITED STATES
DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA**

**UNITED STATES OF
AMERICA**

V.

**TARMESHA FOUNTAIN,
DEFENDANT**

CASE NUMBER

2:06-CR-147-WKW

**DEFENDANT'S REQUESTED VOIR
DIRE QUESTIONS**

COMES NOW the defendant, Tarmesha Fountain, requests the following questions be propounded to the venire:

1. The law says that a Defendant who has been charged with a crime is presumed to be innocent. Are you willing to accept that and give the look or presumption of innocence to the Defendant?

2. Do you agree with the law that a Defendant is innocent until proven guilty beyond reasonable doubt as to each element of a crime?

3. Do you agree with the law that the burden of proving that the Defendant is guilty beyond a reasonable doubt rests with the prosecution?

4. Would you require in your own mind that the Defendant prove his innocence to you before you would acquit him?

5. Would the fact that a grand jury returned an indictment against the Defendant lead you to the inference that the Defendant has committed a crime?

6. Will you give the Defendant the benefit of your individual judgment as opposed to following the majority on the jury in arriving at a verdict in this case?

7. Do you agree that you are bound to reach a verdict solely on the evidence introduced during the trial?

8. Do any of you have family or social ties with police or law enforcement persons? If so, please state the relationship, and have you ever discussed with them whether they believe that persons charged with crimes are probably guilty?

9. Have you ever been a witness for the prosecution in a criminal case? Please explain.

10. Do you agree that you are enforcing the law just as vigorously by voting for acquittal, if there is a reasonable doubt as to guilt, as you do by voting for conviction when there is no such doubt?

11. Do you agree that an impartial trial by an unbiased jury is a constitutional guarantee no matter what the charges are against the Defendant?

12. Are any of you related to anyone on the United States Attorney's staff?

13. Does any member of the jury venire know any member of the U. S. Attorney's Office and its investigators?

14. How many of you believe that a law enforcement officer's testimony is more worthy of belief than the testimony of someone who is not a law enforcement officer? Would any of you give greater weight to the testimony of a law enforcement officer or public official or governmental employee than that of a private citizen? Would those of you who share that belief please stand and state your name.

15. Do any of you know anything about the facts of this case?

16. If you came to the conclusion that the prosecution had not proven the guilt of the accused beyond a reasonable doubt, and you found that a majority of the jurors believed the accused was guilty, would you change your verdict only because you were in the minority?

17. Do you have any objection with the statement of law that the indictment in this case is not evidence, and should not be considered by you as evidence, as it is only the procedure by which one is brought to trial, and the fact that an indictment has been returned, is not evidence of any guilt on behalf of the Defendant whatsoever?

18. Have any of you been associated in any manner with a Political Action group, society or organization such as; VOCAL, Victims of Crime and Leniency, Drug Abuse Groups, National Rifle Association, Mothers Against Drunk Drivers, etc? If so, please stand and state what association, club or group you belong to.

19. Do you understand that the comments of the prosecutor are not evidence in this case?

20. Does any member of the jury venire have an interest in the conviction of the Defendant?

RESPECTFULLY SUBMITTED this the 6th day of October, 2006.

/s/ Daniel G. Hamm

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of this Defendant's Requested Voir Dire Questions by electronic transmission or by placing a copy in the United States Mail with sufficient postage for first class delivery to the attorney named below or parties if not represented by counsel.

DONE this the 6th day of October, 2006.

/s/ Daniel G. Hamm

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